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# **Committee on State Administration Appropriations**

Monday, April 17, 2006

## ***COMMITTEE ACTION REPORT***

**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB

**Attendance:**

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Kim Berfield (Chair)	X		
Mary Brandenburg	X		
Audrey Gibson	X		
Wilbert Holloway	X		
Stan Jordan	X		
John Legg	X		
Carlos Lopez-Cantera	X		
Ron Reagan	X		
Julio Robaina	X		
Franklin Sands	X		
Baxter Troutman	X		
<b>Totals:</b>	<b>11</b>	<b>0</b>	<b>0</b>

Committee meeting was reported out: Monday, April 17, 2006 5:51:05PM

**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB

**HB 161 CS : Building Assessment and Remediation**

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan			X		
John Legg	X				
Carlos Lopez-Cantera	X				
Ron Reagan	X				
Julio Robaina	X				
Franklin Sands	X				
Baxter Troutman			X		
Kim Berfield (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

**Appearances:**

Bill

Dan Pollock (Lobbyist) - Proponent  
 Skyetec & Florida Home Builders Association

Bill

John McBride, Legislative Affairs Director (Lobbyist) (State Employee) - Information Only  
 Department of Business and Professional Regulation  
 1940 N. Monroe St.  
 Tallahassee FL 32399  
 Phone: 487-4827

Committee meeting was reported out: Monday, April 17, 2006 5:51:05PM

**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB

**HB 517 CS : Corporation Not For Profit Self-Insurance Funds**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan			X		
John Legg	X				
Carlos Lopez-Cantera	X				
Ron Reagan	X				
Julio Robaina	X				
Franklin Sands	X				
Baxter Troutman			X		
Kim Berfield (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

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**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB

**HB 957 CS : Community Associations**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan			X		
John Legg	X				
Carlos Lopez-Cantera	X				
Ron Reagan	X				
Julio Robaina	X				
Franklin Sands	X				
Baxter Troutman			X		
Kim Berfield (Chair)	X				
<b>Total Yeas: 9</b>		<b>Total Nays: 0</b>			

Committee meeting was reported out: Monday, April 17, 2006 5:51:05PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 4 (for drafter's use only)

Bill No. 957 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: State Administration

2 Appropriations Committee

3 Representative(s) Robaina offered the following:

4  
5 **Amendment (with directory and title amendments)**

6 Remove line(s) 368 through 390:

7  
8 ===== T I T L E A M E N D M E N T =====

9 Remove line(s) 20 through 23 and insert:

10 to annual reports of associations;

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**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB  
**HB 1109 : Title Loan Lenders**

☒ *Favorable With Committee Substitute*

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Mary Brandenburg		X			
Audrey Gibson	X				
Wilbert Holloway			X		
Stan Jordan			X		
John Legg		X			
Carlos Lopez-Cantera		X			
Ron Reagan	X				
Julio Robaina	X				
Franklin Sands		X			
Baxter Troutman	X				
Kim Berfield (Chair)	X				
<b>Total Yeas: 5      Total Nays: 4</b>					

**Appearances:**

HB 1109 Amendment 2  
Don Saxon, Commissioner (State Employee) - Information Only  
Office of Financial Regulation  
Fletcher Building  
Tallahassee FL 32399  
Phone: 410-9601

**Bill**

Detective Jack Gee (General Public) - Opponent  
Ft. Lauderdale Police Dept. & Florida Law Enforcement Property Recovery Unit  
1300 W. Broward  
Ft. Lauderdale FL 32312  
Phone: 954-559-1227

**Bill**

Lynn Drysdale (Lobbyist) - Opponent  
Jacksonville Area Legal Aid  
126 West Adams St.  
Jacksonville FL 32202  
Phone: 356-8371 X 306

**Bill**

Clifford "Scott" Dudley, Sr. Legislative Advocate (Lobbyist) - Opponent  
Florida League of Cities  
301 S. Bronough Street  
Tallahassee FL 32302  
Phone: 222-9684

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**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB

Bill

Brad Ashwell, Consumer Advocate (Lobbyist) - Opponent

Florida Public Interest Research Group (PIRG)

926 E. Park Ave.

Tallahassee FL 32301

Phone: 224-3321

Bill

Osjha Anderson, Director Of Govet. Relations/ Asst. General Counsel - Proponent

LoanMax

3440 Preston Ridge Rd. Ste. 500

Alpharetta GA 30005

Phone: 678-823-4668

Committee meeting was reported out: Monday, April 17, 2006 5:51:05PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1 (for drafter's use only)

Bill No. 1109

COUNCIL/COMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER \_\_\_\_\_

Council/Committee hearing bill: State Administration

Appropriations Committee

Representative Berfield offered the following:

**Amendment (with title amendment) by Representative Smith**

Between line(s) 234 and 235 insert:

Section 8. The sums of \$648,945 in recurring funds and \$57,830 in nonrecurring funds are appropriated from the Regulatory Trust Fund in the Office of Financial Regulation within the Department of Financial Services for the 2006-2007 fiscal year for the purpose of funding the provisions of this act, and ten full-time equivalent positions with 415,996 in associated salary rate are authorized.

===== T I T L E A M E N D M E N T =====

Remove line(s) 26 and insert:

restrictive county or municipal ordinances; providing appropriations and authorizing additional positions and salary rate; providing an



Council/Committee/Subcommittee on

Date

Action

**HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY**  
(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No.

2

Bill No. 1109

(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on

Gibson

offered the following amendment:

On page 2, after line 49, add new section (2) and renumber subsequent subsections to amend subsections (3) and (4), Florida Statutes, as follows:

507.004 License fee required; license fees.--

(3) If the office determines that an application should be approved, the office shall issue a license for a period not to exceed 2 years. Upon being notified that the license application has been approved, and prior to the license being issued by the office, a licensee shall pay a licensee fee to the office of \$10,000 for the first licensed location and \$2,500 for each additional location.

(4) A license shall be renewed biennially by filing a renewal form and a nonrefundable renewal fee of \$10,000 for the first licensed location and \$2,500 for each additional location \$1,200. A license that is not renewed by the end of the biennial period shall automatically revert to inactive status. An inactive license may be reactivated within 6 months after becoming inactive by filing a reactivation form, payment of the nonrefundable \$1,200 renewal fee of \$10,000 for the first licensed location and \$2,500 for each additional location, and payment of a nonrefundable reactivation fee of \$5,000 \$600. A license that is not reactivated within 6 months after becoming inactive may not be reactivated and shall automatically expire. The commission shall establish by rule the procedures for renewal and reactivation of a license and shall adopt a renewal form and a reactivation form.



Council/Committee/Subcommittee on \_\_\_\_\_

Date \_\_\_\_\_

✓ A  
Action \_\_\_\_\_

**HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY**

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. 3

Bill No. 1109

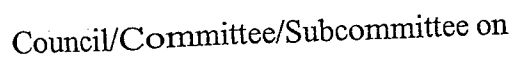
(For filing with the Clerk, Council, Committee and Member Amendments **must** be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on \_\_\_\_\_  
Gibson

offered the following amendment:

On Page 4, strike lines 100 to 106, and insert:

(1) Except as provided in paragraph (6)(a), a title loan lender may charge a maximum interest rate of 22  
~~30~~ percent per month ~~annum~~ computed on the first \$2,000 of the principal amount and 20 ~~24~~ percent per  
month ~~annum~~ on that part of the principal amount exceeding \$2,000 and not exceeding \$3,000. The original  
principal amount is the same



Date \_\_\_\_\_

## Action

**HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY**  
(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. 4

Bill No. 1109

Amendment No. 1

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(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on \_\_\_\_\_

Gibson

offered the following amendment:

On Page 8, after line 207, add a new subsection (1) (p), as follows:

(1) (p) Make a title loan with a principal amount in excess of \$3,000.

H-62 (Revised, 2005)

Copy to Council/Committee Administrative Assistant



Council/Committee/Subcommittee on \_\_\_\_\_

Date \_\_\_\_\_

Action A \_\_\_\_\_

## HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but **not** on House Floor)

Amendment No. 6

Bill No. 1109

(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on \_\_\_\_\_

Gibson

offered the following amendment:

On Page 9, between lines 234 and 235, insert a new section 8 and renumber subsequent section:

### 537.20 Credit counseling services/repayment plan

(a) If prior to the maturity date of the original title loan agreement, or the maturity date of any extension of the title loan agreement, the borrower notifies the title loan lender in person that the borrower wishes to exercise their right to seek consumer credit counseling, the title loan lender shall offer the borrower the option of a grace period extending the term of the agreement for an additional four months from such notice, without any additional charge. The lender shall require that as a condition of providing this grace period that within the first 7 days of the grace period the borrower attend an appointment with a consumer credit counseling agency and that this consumer credit counseling agency notify the title loan lender that such appointment occurred. The borrower may agree to, comply with, and adhere to a repayment plan approved by the counseling agency. If the borrower agrees to comply with and adhere to a repayment plan approved by the counseling agency, and if such plan fully repays the title loan lender in near equal installments before the end of the grace period, with the first payment due no later than thirty days after the date the grace period commenced, the title loan lender is also required to comply with and adhere to that repayment plan. The title loan lender may not seek repossession of the borrower's motor vehicle during the grace period unless the borrower fails to comply with this section or fails to comply with the conditions of the repayment plan. In the event the borrower fails to comply with this section, or fails to make payments in compliance with the repayment plan, the title loan lender may seek possession of the motor vehicle pursuant to the original terms of the title loan agreement. Before each title loan transaction, the title loan lender may verbally advise the borrower of the availability of the grace period consistent with the provisions of the written notice in subsection (d) of this section, and shall not discourage the borrower from using the grace period. For the purposes of calculating the remaining balance to be repaid pursuant to the repayment plan, the plan must include the repayment of all unpaid principal plus unpaid interest accrued on a daily basis through the first day of the grace period, provided however, if the borrower exercises their right to the grace period during the original term of the title loan agreement, the entire unpaid amount of the interest agreed to be paid for such initial term must be paid during the repayment plan.

(b) At the commencement of the grace period, the title loan lender shall provide the borrower:

1. Verbal notice of the availability of the grace period consistent with the written notice in subsection (d) of this section.

2. A list of approved consumer credit counseling agencies prepared by the office. The office list shall include nonprofit consumer credit counseling agencies affiliated with the National Foundation for Credit Counseling which provide credit counseling services to Florida residents in person, by telephone, or through the Internet. The office list must include phone numbers for the agencies, the counties served by the agencies, and indicate the agencies that provide telephone counseling and those that provide Internet counseling. The office shall update the list at least once each year.

3. The following notice in at least 14-point type in substantially the following form:

AS A CONDITION OF OBTAINING A GRACE PERIOD EXTENDING THE TERM OF YOUR TITLE LOAN AGREEMENT FOR AN ADDITIONAL FOUR MONTHS, UNTIL [DATE], WITHOUT ANY ADDITIONAL INTEREST, YOU MUST COMPLETE CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED TO YOU BY THIS LENDER. YOU MUST ALSO AGREE TO COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THE AGENCY THAT COMPLIES WITH THE FLORIDA TITLE LOAN ACT. THE COUNSELING MAY BE IN PERSON, BY TELEPHONE, OR THROUGH THE INTERNET. YOU MUST NOTIFY US WITHIN SEVEN (7) DAYS, BY [DATE], THAT YOU HAVE COMPLETED AN APPOINTMENT WITH SUCH A CONSUMER CREDIT COUNSELING AGENCY. WE MAY VERIFY THIS INFORMATION WITH THE AGENCY. IF YOU FAIL TO TIMELY PROVIDE CONFIRMATION OF YOUR COMPLETED APPOINTMENT, OR IF YOU DO NOT COMPLY WITH THE REPAYMENT PLAN AGREED TO WITH SUCH AGENCY, WE MAY SEEK POSSESSION OF THE MOTOR VEHICLE PLEDGED AS COLLATERAL FOR YOUR TITLE LOAN AGREEMENT.

(c) If a borrower completes an approved payment plan, the title loan lender shall pay \$25.00 to the consumer credit counseling agency.

(d) In addition to all other disclosures required by this Act, the title loan lender shall provide the following notice in at least 14-point type conspicuously within the title loan agreement:

IF YOU INFORM THIS LENDER IN PERSON THAT YOU CANNOT REDEEM YOUR CERTIFICATE OF TITLE BY PAYING IN FULL THE AMOUNT OWING AT THE END OF THE TERM OF THIS AGREEMENT OR MAKE YOUR MINIMUM PAYMENT, YOU ARE ENTITLED TO A GRACE PERIOD EXTENDING THE TERM OF THIS AGREEMENT FOR AN ADDITIONAL FOUR MONTHS, WITHOUT ANY ADDITIONAL CHARGE. THIS LENDER SHALL REQUIRE THAT YOU, AS A CONDITION OF OBTAINING THE GRACE PERIOD, COMPLETE CONSUMER CREDIT COUNSELING PROVIDED BY AN AGENCY INCLUDED ON THE LIST THAT WILL BE PROVIDED TO YOU BY THIS LENDER AND COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY. IF YOU DO NOT COMPLY WITH AND ADHERE TO A REPAYMENT PLAN APPROVED BY THAT AGENCY, THIS LENDER MAY SEEK POSSESSION OF THE MOTOR VEHICLE PLEDGED AS COLLATERAL FOR THIS LOAN.



Council/Committee/Subcommittee on \_\_\_\_\_

Date \_\_\_\_\_

Action \_\_\_\_\_

A

## HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY

(may be used in Council/Committee/Subcommittee, but not on House Floor)

Amendment No. #6

Bill No. 1109

(For filing with the Clerk, Council, Committee and Member Amendments must be prepared by House Bill Drafting Services (Rule 12.1))

Representative(s)/The Council/Committee/Subcommittee on \_\_\_\_\_

Gibson

offered the following amendment:

Between lines 334 and 335 insert:

Subsection (3) of section 537.011, Florida Statutes, is amended to read:

537.011 Title loan charges.—

(3) A title loan agreement may be extended up to five additional 30-day periods ~~one or more 30-day periods~~ by mutual consent of the title loan lender and the borrower. Each extension of a title loan agreement shall be executed in a separate extension agreement, each of which shall comply with the requirements for executing a title loan agreement as provided in this act. The interest rate charged in any title loan extension agreement shall not exceed the interest rate charged in the original ~~related~~ title loan agreement. A title loan lender may not capitalize in any title loan extension agreement any unpaid interest due on the original ~~related~~ title loan agreement or any subsequent extensions to that title loan agreement. Extension agreements may be executed between the parties after the commencement date of the extension period to allow continuity of terms. Under no circumstances shall a title lender assess further interest or any other finance charge after 180-days from the execution date of the original title loan agreement. At the conclusion of the 180 days, the title loan lender must offer the borrower the option of repaying any unpaid principal in no less than four equal monthly installments without any additional interest or other charge. A title loan lender may not make a new original title loan to a borrower if the borrower had a title loan, an extension thereof, or an interest-free principal repayment thereof outstanding in the previous 24 hours.

**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB

**HB 1271 CS : Division of Alcoholic Beverages and Tobacco**

☒ *Favorable With Committee Substitute*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Mary Brandenburg	X				
Audrey Gibson	X				
Wilbert Holloway	X				
Stan Jordan			X		
John Legg	X				
Carlos Lopez-Cantera	X				
Ron Reagan	X				
Julio Robaina	X				
Franklin Sands	X				
Baxter Troutman			X		
Kim Berfield (Chair)	X				
<b>Total Yeas: 9      Total Nays: 0</b>					

Committee meeting was reported out: Monday, April 17, 2006 5:51:05PM



HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. 1a (for drafter's use only)

Bill No. 1271 CS

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

Council/Committee hearing bill: State Administration

Appropriations

Representative(s) Lopez-Cantera offered the following:

**Amendment to Strike All Amendment by Representative  
Lopez-Cantera**

Insert on page 2, line(s) 41 after the word provided:  
that the enforcement is incidental to exercising the officer's  
primary responsibility as provided in subparagraph 1, and

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**COMMITTEE MEETING REPORT**  
**State Administration Appropriations Committee**  
**4/17/2006 3:00:00PM**

**Location:** 12 HOB

**Summary:**

**State Administration Appropriations Committee**

*Monday April 17, 2006 03:00 pm*

HB 161 CS	Favorable	Yeas: 9	Nays: 0
HB 517 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 957 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0
HB 1109	Favorable With Committee Substitute	Yeas: 5	Nays: 4
HB 1271 CS	Favorable With Committee Substitute	Yeas: 9	Nays: 0

**Committee meeting was reported out: Monday, April 17, 2006 5:51:05PM**